

House Health Subcommittee Am. #1

Amendment No. _____

Signature of Sponsor

AMEND Senate Bill No. 2650

House Bill No. 2801*

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

by deleting SECTION 12 and SECTION 13 and substituting the following:

SECTION 12. Tennessee Code Annotated, Section 4-29-243(a), is amended by deleting subdivision (1).

SECTION 13. Tennessee Code Annotated, Section 4-29-247(a), is amended by inserting the following as a new subdivision:

() Advisory board for community-based vocational rehabilitation services,
created by § 49-11-704;



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Amendment No. _____

Signature of Sponsor

FILED

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Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 2409

House Bill No. 2156*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 68-2-603(c), is amended by deleting the first sentence and substituting:

The commissioner may appoint a county health officer responsible for providing medical direction, including medical enforcement actions.

SECTION 2. Tennessee Code Annotated, Section 68-2-609, is amended by adding the following as a new subdivision:

(4) Except as provided in title 14, rules as are necessary or appropriate to protect the general health and safety of the county.

SECTION 3. Tennessee Code Annotated, Section 68-2-611(a)(1), is amended by deleting "executive orders and directives" and substituting "executive orders and directives related to the pandemic".

SECTION 4. This act takes effect upon becoming a law, the public welfare requiring it.



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House Health Subcommittee Am. #1

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AMEND Senate Bill No. 2322*

House Bill No. 2662

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 63-10-303(c), is amended by deleting the first sentence and substituting instead the following:

The board shall consider the recommendation of the division and employ an executive director who is a pharmacist who has been licensed in this state for a period of at least five (5) years.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.



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FILED

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Time _____

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AMEND Senate Bill No. 2449*

House Bill No. 2665

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 14-1-101, is amended by deleting subdivision (15)(D) and substituting:

(D) An assisted-care living facility, a home for the aged, a nursing home, or a residential hospice, as those terms are defined in § 68-11-201, or an entity other than a school, as that term is defined in subdivision (18), that operates a residential congregate living facility, including, but not limited to, a home that provides care for adults with disabilities or traumatic brain injury, a home that provides residential mental health treatment for children or adults, or an alcohol and drug treatment facility;

SECTION 2. Tennessee Code Annotated, Section 68-11-276(a), is amended by adding the following as new appropriately designated subdivisions:

() "Patient representative" means a family member or another individual, chosen by a hospital patient, to act on behalf of the patient in order to support the patient in decision-making; access medical, social, or other personal information for or from the hospital; manage financial matters; or receive notifications.

() "Terminal COVID-19 patient" means a patient in a hospital who:

(A) Has been diagnosed as infected with the COVID-19 virus; and

(B) Is expected to expire in the hospital, as determined by a clinician involved in the care of the patient.

SECTION 3. Tennessee Code Annotated, Section 68-11-276(b), is amended by deleting the subsection and substituting the following:



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(b) Notwithstanding any law to the contrary, during a period in which a disaster, emergency, or public health emergency for COVID-19 has been declared, a hospital shall not restrict a terminal COVID-19 patient from having at least one (1) family member or patient representative as a visitor as long as the family member or patient representative agrees to follow all safety protocols established by the hospital, which must be clearly specified in writing and be no more restrictive than protocols applicable to staff of the hospital.

SECTION 4. This act takes effect on becoming a law, the public welfare requiring it.

Amendment No. _____

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AMEND Senate Bill No. 568*

House Bill No. 702

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 68-31-101, is amended by adding the following new subdivisions:

() "COVID-19" means the novel coronavirus, SARS-CoV-2, and coronavirus disease 2019, commonly referred to as COVID-19, including a variant of SARS-CoV-2 or COVID-19;

() "COVID-19 vaccine" means a substance used to stimulate the production of antibodies and provide protection against COVID-19, prepared from the causative agent of COVID-19, its products, or a synthetic substitute, and treated to act as an antigen without inducing a COVID-19 infection;

SECTION 2. Tennessee Code Annotated, Title 68, Chapter 31, is amended by adding the following as a new section:

68-31-104. Discrimination on the basis of COVID-19 vaccination status prohibited.

A covered entity shall not, solely on the basis of whether an individual has received or will receive a COVID-19 vaccine, do the following:

- (1) Consider an individual ineligible for transplantation or receipt of an anatomical gift;
- (2) Deny medical or other services related to transplantation, including:
 - (A) Evaluation;
 - (B) Surgery; and
 - (C) Counseling and treatment following transplantation;



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- (3) Refuse to refer an individual to a transplant center or specialist;
- (4) Refuse to place an individual on an organ or tissue waiting list; or
- (5) Place an individual at a position on an organ or tissue waiting list that is lower than the position at which the individual would have been placed if not for the individual's vaccine status.

SECTION 3. This act takes effect July 1, 2022, the public welfare requiring it.

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AMEND Senate Bill No. 2412

House Bill No. 2162*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 2, Part 1, is amended by adding the following as a new section:

(a) As used in this section, unless the context otherwise requires:

- (1) "Elderly person" means a person sixty (60) years of age or older;
- (2) "Executive director" means the executive director of the commission;
- (3) "State agency" means an agency of state government, including, but

not limited to:

- (A) The department of intellectual and developmental disabilities;
- (B) The department of mental health and substance abuse services;
- (C) The department of human services, including the division of adult protective services;
- (D) The department of children's services;
- (E) The department of commerce and insurance, including the state fire marshal's office;
- (F) The Tennessee bureau of investigation;
- (G) The bureau of TennCare; and
- (H) The department of health;



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(4) "Unlicensed facility" means a facility that has been found to be in violation of § 68-11-213 or § 33-2-405 for failure to be licensed by a state agency; and

(5) "Vulnerable person" means a person eighteen (18) years of age or older who, by reason of advanced age or other physical or mental condition, is deemed by a state agency to be vulnerable.

(b) The executive director shall establish and maintain a registry containing the names and addresses of unlicensed facilities that have been determined by a state agency to be providing care to elderly or vulnerable persons without maintaining the appropriate licensure under titles 33 or 68. The executive director shall publish the registry on the commission's website.

(c) A state agency that finds that a person or facility is operating an unlicensed facility in violation of §§ 68-11-213 or 33-2-405 shall notify the executive director within five (5) business days of the finding. The state agency shall provide the executive director with the following:

- (1) The name of the facility;
- (2) The names of the facility's owners or operators;
- (3) The physical location or mailing address of the facility;
- (4) A citation to the statutory or regulatory authority used by the state agency in making the finding; and
- (5) Other information that the state agency deems necessary to adequately identify the facility to the public.

(d) Within five (5) business days of receipt of notice under subsection (c), the executive director shall publish on the registry the documents and information provided by the state agency. The executive director shall notify the person or facility in writing, based on the mailing address provided by the state agency, within three (3) business days of publication on the registry.

(e) A person or facility published on the registry may appeal the publication to the executive director within thirty (30) days of notification under subsection (d). The executive director or the executive director's designee shall afford the person or facility a hearing in accordance with the contested case provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, part 3. Following the contested case, if the executive director finds that the person or facility was appropriately placed on the registry and was in operation after receiving notice under subsection (d), then the executive director may seek injunctive relief in Davidson County chancery court.

(f) On or after July 1, 2022, it is unlawful for a person or facility to operate a facility after notification of publication on the registry. A violation of this subsection (f) is a Class D felony.

(g) A state agency that notified the executive director of a finding under subsection (c) may later recommend to the executive director the removal of a person or facility's information from the registry, if:

(1) The state agency finds that the original notice to the executive director was in error; or

(2) The facility has applied for and obtained the necessary licensure under title 33 or 68. The state agency shall provide the facility's license number and the date of licensure.

(h) The executive director may promulgate rules to implement this section. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. Tennessee Code Annotated, Section 62-32-102, is amended by adding the following as a new subdivision:

() A limited licensed plumber licensed pursuant to chapter 6, part 1 of this title or a contractor licensed pursuant to § 62-6-112(a)(6) installing a 13-D system or a dwelling unit fire sprinkler system in accordance with the International Residential Code

in a group home with five (5) or fewer residents; provided, that the water supply flow rate and pressure, calculations of the system's design flow rate, pipe sizing and elevation loss, and product specifications for sprinkler heads, pipes, and other components are provided to the building owner and made available for inspection.

SECTION 3. Tennessee Code Annotated, Section 68-11-213(a), is amended by adding the following as a new subdivision:

() In addition to the relief provided in this subsection (a), the court in which the department brings such claim for relief may assess a civil penalty not to exceed five thousand dollars (\$5,000) against a person or entity operating an assisted living facility, home for the aged, adult care home, or traumatic brain injury residential home without having the license required by this chapter, as well as costs and fees against a person or entity enjoined under this section. Each day of operation constitutes a separate violation.

SECTION 4. Tennessee Code Annotated, Section 68-11-213(b), is amended by deleting the subsection and substituting:

(b) Based upon a complaint that a home for the aged, assisted-care living facility, adult care home, or traumatic brain injury residential home, subject to licensure under this part may be operating without a license, the department may enter the facility in order to investigate or inspect the complaint for the necessity of or compliance with licensure under this part.

SECTION 5. Tennessee Code Annotated, Section 68-11-213(c), is amended by deleting the subsection and substituting:

(c) If an owner, operator, manager, or person who participates in the operation of the facility refuses to allow entrance into the facility, the department shall refer the matter to the local district attorney who shall seek a civil warrant authorizing such entry or inspection. Local law enforcement in the county where the facility is located shall assist in executing such warrant.

SECTION 6. Tennessee Code Annotated, Section 68-11-213(i), is amended by adding the following as a new subdivision:

() The utilization of a proceeding or imposition of penalties authorized by this subsection (i), or the initiation of an appeal from such proceeding or imposition, is not a prerequisite for the department to seek and obtain injunctive relief authorized by subsection (a).

SECTION 7. Tennessee Code Annotated, Section 71-6-104, is amended by deleting subsections (a) and (b) and substituting:

(a) Upon proper application by the department, a court with jurisdiction under this part may issue a temporary restraining order or other injunctive relief to prohibit a violation of this part, regardless of the existence of another remedy at law.

(b) The court may enjoin an individual, if the court finds the individual has engaged in the abuse, neglect, or exploitation of an adult, as defined in this part, from providing care or owning or operating a facility or residence where care is provided for any person, on a temporary or permanent basis, regardless of whether:

(1) Such actions occurred in an institutional setting, a residential setting, or in any type of adult day care, group home, or foster care arrangement serving adults; or

(2) Such person, facility, or arrangement serving adults is licensed to provide care for adults.

SECTION 8. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. _____

Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 2421

House Bill No. 2171*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 53-10-302, is amended by adding the following as a new subdivision:

() "Part 2 Program" has the same meaning as defined by 42 CFR § 2.11;

SECTION 2. Tennessee Code Annotated, Section 53-10-303(f)(4), is amended by deleting the subdivision and substituting:

(4) The control, sharing, and dissemination of data and information in the database with other states, other governmental entities, and other entities acting on behalf of any such state or governmental entity; and

SECTION 3. Tennessee Code Annotated, Section 53-10-304(d), is amended by deleting subdivisions (d)(1), (5), and (6).

SECTION 4. Tennessee Code Annotated, Section 53-10-304(d), is amended by adding the following as a new subdivision:

() Any drug prescribed for administration directly to a patient during the course of inpatient or residential treatment in a hospital or nursing home licensed under title 68 or during the course of inpatient treatment in a hospital licensed under title 33.

SECTION 5. Tennessee Code Annotated, Section 53-10-304(e), is amended by deleting the subsection and substituting:

(e) Notwithstanding subsection (c) or (d), a healthcare practitioner whose practice is a Part 2 Program shall submit the dispensing and administration of all controlled substances in accordance with this part. However, reporting of dispensing or



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administration by a Part 2 Program is not required by this subsection (e) until the commissioner promulgates rules regulating the reporting of such dispensing and administration, and access to that reported information in a manner consistent with the confidentiality provisions of 42 CFR Part 2.

SECTION 6. Tennessee Code Annotated, Section 53-10-305(f), is amended by adding the language ", subject to the privacy protections of 42 CFR Part 2 for information reported to the database by a Part 2 Program" after the word "database".

SECTION 7. Tennessee Code Annotated, Section 53-10-305(h)(1), is amended by adding the language ", including rules that ensure compliance with 42 CFR Part 2 for information reported to the database by a Part 2 Program" after the language "in this part".

SECTION 8. Tennessee Code Annotated, Section 53-10-306(a), is amended by deleting the language "§ 53-10-311" and substituting "§§ 53-10-304 and 53-10-311".

SECTION 9. Tennessee Code Annotated, Section 53-10-306(a)(2), is amended by deleting the language "or any designee appointed by the committee".

SECTION 10. Tennessee Code Annotated, Section 53-10-306(h), is amended by deleting subdivision (h)(4), redesignating the remaining language of subsection (h) as subdivision (h)(1), and adding the following new subdivision (h)(2):

(2) A healthcare practitioner or healthcare practitioner delegate may place a copy of a patient's report obtained from the database pursuant to this section in that patient's medical records, with the exception of information reported to the database by a Part 2 Program. Once a copy of a patient's report obtained from the database pursuant to this section is placed in the patient's medical records, the copy is subject to disclosure on the same terms and conditions as medical records under §§ 63-1-117 and 63-2-101. A patient's information reported to the database by a Part 2 Program shall not be placed in the patient's medical records unless doing so complies with the privacy requirements of 42 CFR Part 2 and the rules promulgated by the commissioner pursuant to § 53-10-304(e);

SECTION 11. Tennessee Code Annotated, Section 53-10-306, is amended by adding the following as a new subsection:

() Notwithstanding subsections (a) through (p), information reported to the database by a Part 2 Program, as well as a subsequent disclosure of such information, may only be made available in accordance with 42 CFR Part 2 and the rules promulgated by the commissioner pursuant to § 53-10-304(e).

SECTION 12. Tennessee Code Annotated, Section 53-10-308, is amended by adding the following as a new subsection:

() Data reported to the database by a Part 2 Program shall not be released under this section or § 53-10-306 unless such release complies with 42 CFR Part 2 and the rules promulgated by the commissioner pursuant to § 53-10-304(e).

SECTION 13. Tennessee Code Annotated, Section 53-10-311(a), is amended by deleting the language "The committee" and substituting "The operations committee".

SECTION 14. Tennessee Code Annotated, Section 53-10-311(b)(1), is amended by deleting "that committee" and substituting instead "the operations committee".

SECTION 15. Tennessee Code Annotated, Section 53-10-311(e)(1), is amended by deleting the subdivision and substituting:

(1) Notwithstanding this part to the contrary, the commissioner is authorized to enter into agreements with the federal centers for disease control and prevention (CDC), other states, other governmental entities, or entities acting on behalf of the CDC or such state or governmental entity for the purposes of sharing and disseminating data and information in the database.

SECTION 16. Tennessee Code Annotated, Section 53-10-311(e)(2)(A), is amended by deleting the language "by other state or federal entities charged with protecting the public health" and substituting instead the language "or patient care coordination".

SECTION 17. Tennessee Code Annotated, Section 53-10-311(e)(3), is amended by deleting the subdivision and substituting:

(3) Before the commissioner executes an agreement with the CDC, another state, another governmental entity, or an entity acting on behalf of the CDC or such state or governmental entity, the agreement must be approved by the operations committee.

SECTION 18. Tennessee Code Annotated, Section 53-10-311(e), is amended by adding the following as a new subdivision:

() An agreement executed by the commissioner pursuant to this subsection (e) must comply with 42 CFR Part 2 to the extent that the agreement includes information reported to the database by a Part 2 Program.

SECTION 19. This act takes effect upon becoming a law, the public welfare requiring it.